

**REMARKS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 30-32, 34-40, 42-48 and 50-67 are pending in the present application. No claims have been added, amended or canceled by the present amendment.

In the outstanding Office Action, there were two obviousness-type double patenting rejections; and claims 30-32, 34, 35, 38, 39, 42, 43, 46-48, 50, 51, 54-58 and 61-65 were rejected under 35 U.S.C. § 102(e) as anticipated by Ando et al.

Regarding the double patenting rejections, enclosed is a Terminal Disclaimer to overcome these rejections. A new Power of Attorney is also enclosed listing Applicants' Representative customer number.

Further, regarding the rejection of the claims under 35 U.S.C. § 102(e) as anticipated by Ando et al., it is respectfully noted the filing date of the present application is December 21, 1999, which is before the filing date of Ando et al. (July 16, 2002). In addition, Ando et al. has a parent application with an earlier filing date of May 14, 1999. However, it is respectfully noted the filing date of May 14, 1999 for the parent application of Ando et al. is later than the claimed foreign priority date of the present application (i.e., January 4, 1999). Accordingly, an English translation of the foreign priority document and a Statement indicating that the translation is accurate will be filed in due course. Therefore, it is respectfully submitted Ando et al. is not a valid reference and the pending claims are allowable. Applicants also respectfully submit the claimed subject matter is fully supported by the claimed priority document.

Further, it is respectfully requested this response be entered as it places the application in condition for allowance.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David A. Bilodeau, Reg. No. 42,325, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: April 22, 2009

Respectfully submitted,

By  \_\_\_\_\_

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